

JASON J. CURLIANO (State Bar No. 167509)  
MADELINE L. BUTY (State Bar No. 157186)  
BUTY & CURLIANO LLP  
383 - 4<sup>th</sup> Street, Third Floor  
Oakland, CA 94607  
Telephone: (510) 267-3000  
Facsimile: (510) 267-0117

FRANK WELZER (California State Bar No. 155403)  
ZUKERMAN GORE & BRANDEIS, LLP  
875 Third Avenue  
New York, NY 10022  
Telephone: (212) 223-6700

Atorneys for Plaintiff  
JEANNE PLESSINGER WANG

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JEANNE PLESSINGER WANG, ) No.: 3:05-cv-04694-WHA  
Plaintiff, )  
v. )  
THOMA CRESSY EQUITY PARTNERS, INC., )  
and CARL D. THOMA and DOES 1-100, )  
inclusive, )  
Defendants. )  
\_\_\_\_\_  
STIPULATION AND [PROPOSED]  
ORDER FOR FILING OF FIRST  
AMENDED COMPLAINT  
Judge: Hon. William H. Alsup

IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record that plaintiff may file a First Amended Complaint, a copy of which is attached hereto and labeled Exhibit A.

IT IS FURTHER STIPULATED that defendants waive notice and service of the First Amended Complaint ~~and shall not be required to answer the amendment, and that all denials,~~

1 ~~responses and affirmative defenses contained in the answer filed by defendants to the original~~  
2 ~~complaint shall be responsive to the First Amended Complaint.~~

3 DATED: January 31, 2006

BUTY & CURLIANO LLP

5 By:

6 JASON J. CURLIANO  
Attorneys for Plaintiff  
7 JEANNE PLESSINGER WANG

8 DATED: January 30, 2006

9 HOWARD RICE NEMEROVSKI CANADY FALK  
10 & RABKIN

11 By:

12 JASON M. HABERMAYER  
13 Attorneys for Defendants  
THOMA CRESSY EQUITY PARTNERS, INC. and  
CARL D. THOMA

14  
15 **ORDER**

16 , as modified. Because the amended  
17 complaint includes a new cause of  
action, this Court will not condone  
any failure to file an amended answer.

18 DATE: January 31, 2006

19 By:

JUDGE WILLIAM H. ALSUP

20 C:\Documents and Settings\Gmp\Local Settings\Temporary Internet Files\OLK27\stipfile

